

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEPHTY CRUZ and MICHAEL BALLETO, as
TRUSTEES OF THE DISTRICT 6 INTERNATIONAL
UNION OF INDUSTRIAL, SERVICE, TRANSPORT,
AND HEALTH EMPLOYEES HEALTH PLAN and THE
DISTRICT 6 INTERNATIONAL UNION OF
INDUSTRIAL, SERVICE, TRANSPORT AND HEALTH
EMPLOYEES PENSION PLAN,

**CASE NUMBER:
07 CV 6394 (RMB)**

Plaintiffs,

ANSWER

-against-

INDEPENDENT TESTING LABORATORIES, INC.,

Defendant.

Defendant, by and through its attorney, Allen B. Breslow, as and for its
answer to the Complaint respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to each
and every allegation contained in paragraph "1" of the Complaint
and/or objects to those allegations that call for conclusions of law.
2. Admits the allegations of paragraph "2" of the Complaint.
3. Denies knowledge or information sufficient to form a belief as to the
truth of the allegations set forth in paragraph "3" of the Complaint
and/or objects to each and every allegation contained therein in that
those allegations call for conclusions of law.
4. Denies knowledge or information sufficient to form a belief as to the
truth of the allegations set forth in paragraph "4" of the Complaint
and/or objects to each and every allegation contained therein in that
those allegations call for conclusions of law.

5. Denies the allegations of paragraph "5" of the Complaint except admits that Defendant was and is a corporation doing business in the state of New York and maintains its principal place of business at 129-11 18th Avenue, College Point, New York 11356.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph "6" of the Complaint.
7. Denies the allegations of paragraph "7" of the Complaint except admits that since February 2007 Defendant was signatory to a collective bargaining agreement with District 6 covering certain of Defendant's employees who performed certain jobs.
8. Denies the allegations of paragraph "8" of the Complaint.
9. Denies the allegations of paragraph "9" of the Complaint.
10. Denies the allegations of paragraph "10" of the Complaint.
11. With respect to paragraph "11" of the Complaint, Defendant repeats and reiterates each and every denial and response heretofore made in regard to each and every paragraph of Plaintiffs' Complaint designated as "1" through "10" inclusive with the same force and effect as though more fully set forth at length herein and denies the other allegations contained in paragraph "11" of the Complaint.
12. Denies the allegations of paragraph "12" of the Complaint.
13. Denies the allegations of paragraph "13" of the Complaint.
14. With respect to paragraph "14" of the Complaint, Defendant repeats and reiterates each and every denial and response heretofore made in regard to each and every paragraph of Plaintiffs' Complaint designated

as "1" through "14" inclusive with the same force and effect as though more fully set forth at length herein.

15. Denies each and every allegation contained in paragraph "15" of the Complaint and/or objects to those allegations that call for conclusions of law.
16. Denies each and every allegation contained in paragraph "16" of the Complaint and/or objects to those allegations that call for conclusions of law.
17. With respect to paragraph "17" of the Complaint, Defendant repeats and reiterates each and every denial and response heretofore made in regard to each and every paragraph of Plaintiffs' Complaint designated as "1" through "17" inclusive with the same force and effect as though more fully set forth at length herein.
18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "18" of the Complaint and/or objects to those allegations that call for conclusions of law.
19. Denies each and every allegation contained in paragraph "19" of the Complaint.
20. Denies each and every allegation contained in paragraph "20" of the Complaint.
21. With respect to paragraph "21" of the Complaint, Defendant repeats and reiterates each and every denial and response heretofore made in regard to each and every paragraph of Plaintiffs' Complaint designated

as "1" through "21" inclusive with the same force and effect as though more fully set forth at length herein.

22. Denies each and every allegation contained in paragraph "22" of the Complaint and/or objects to those allegations that call for conclusions of law.
23. Denies each and every allegation contained in paragraph "23" of the Complaint and/or objects to those allegations that call for conclusions of law.
24. Denies each and every allegation contained in paragraph "24" of the Complaint.
25. Denies each and every allegation contained in paragraph "25" of the Complaint and/or objects to those allegations that call for conclusions of law.
26. Denies each and every allegation contained in paragraph "26" of the Complaint.

**AS AND FOR A FIRST
AFFIRMATIVE DEFENSE**

27. The Complaint fails to state a cause of action and/or fails to allege the necessary elements, requirements, and/or prior procedures and conditions necessary for such claims.

**AS AND FOR A SECOND
AFFIRMATIVE DEFENSE**

28. Some and/or all of the allegations in the Complaint are barred by Laches, Estoppel and/or applicable statute of limitations.

WHEREFORE, Defendant demands judgment as follows:

1. The Complaint be dismissed and that Defendant be entitled to recover its attorneys' fees, expenses and costs in connection with the Plaintiffs' claims and actions.
2. For such other and further relief as the Court deems just and proper.

Dated: September 7, 2007
Commack, New York 11725

Yours, etc.,

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By: /S/ 
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